IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CA NO. 4296/2007 IN FIRST APPEAL NO. 624/2005

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri Masood Shareef, Advocate for the appellant.
Shri R.P. Joshi, Advocate for the applicants/respondents.

CORAM : J.P. DEVADHAR &
B.P. DHARMADHIKAR, JJ.
28TH JUNE, 2007

Heard Advocate Shri R.P. Joshi appearing for the applicants/respondents and Advocate Shri Masood Shareef appearing for the appellant.

Advocate Joshi states that as the respondent Nos.4 and 5 are senior citizens and not keeping good health, the proportionate amount should be paid to them and balance amount should be invested in any Monthly Income Earning Scheme with any Nationalised Bank or Post Office so as to enable the applicant Nos.1 to 3 to earn monthly interest thereon to support their livelihood.

Advocate Shareef states that if interest of respondents/applicants is adequately protected, such an arrangement can be worked out.

We have perused the application and in the

interest of justice, we permit the respondent Nos.4 and 5 to withdraw an amount of Rs. 75,000/- (rupees seventy-five thousand only) and Rs.65,301/- (rupees sixty-five thousand three hundred and one only) respectively. Similarly, balance amount be invested in State Bank of India at Daryapur in any Monthly Interest Earning Scheme and the applicant Nos.1 to 3 are permitted to withdraw monthly interest only earned by said amount initially for the period of three years. The interest amount to be withdrawn roughly worked out is Rs. 3,60,000/- and the applicants to furnish security to the satisfaction of the Registrar of this Court for such withdrawal.

Accordingly, the application is allowed subject to applicant Nos.1 to 5 furnishing security in the sum of Rs.5,00,000/- (rupees five lacs only) to the satisfaction of the Registrar of this Court. The security shall remain valid till discharged by this Court.

The applicant Nos.2 and 3 are minors. The applicant No.1 is permitted to withdraw monthly interest even on their shares. The other prayer in the Civil Application is to direct the Insurance Company to deposit balance interest amount on award amount, Advocate Shareef states the Insurance Company is taking appropriate steps in this respect and if any such

amount is due, the same shall be deposited on or before 31st July, 2007.

Application stands disposed of as such with no order as to costs.

JUDGE JUDGE

*rrg.